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Case No.: VN-2007-90

DEFAULT DECISION AND ORDER

Respondent.

The Bureau makes the following findings of fact:

3. Pursuant to Business and Professions Code sections 101.1(b) and 150, the Department of Consumer Affairs has succeeded to and is vested with all duties, powers, purposes, responsibilities and jurisdiction not otherwise repealed or made inoperative of the Bureau and its

1 executive officer; that the department is under the control of the Director of Consumer Affairs.

2 4. Pursuant to Business and Professions Code section 2875, the Bureau may
3 discipline any licensed vocational nurse for any reason provided in Article 3 of the Vocational
4 Nursing Practice Act.

5 5. Pursuant to Business and Professions Code section 118(b), the expiration of a
6 license shall not deprive the Bureau of jurisdiction to proceed with a disciplinary action during the
7 period within which the license may be renewed, restored, reissued, or reinstated. Under Business
8 and Professions Code section 2892.1, the Bureau may renew an expired license at any time within
9 four years after the expiration.

10 6. Respondent has subjected his license to discipline under Business and
11 Professions Code sections 490 and 2878(f), in conjunction with California Code of Regulations, title
12 16, section 2521, in that Respondent was convicted of crimes substantially related to the
13 qualifications, functions or duties of a licensed vocational nurse, as described in Accusation No. VN-
14 2007-90, a copy of which is attached as Exhibit "1" and incorporated by reference.

15 7. Respondent has subjected his license to discipline under Business and
16 Professions Code section 2878(a)(5), in that Respondent committed acts which constitute
17 unprofessional conduct, when he failed to maintain confidentiality of patient's medical information,
18 as described in Accusation No. VN-2007-90.

19 8. Respondent has subjected his license to discipline under Business and
20 Professions Code section 2878(j), on the grounds of unprofessional conduct, in that Respondent
21 committed dishonest acts, as described in Accusation No. VN-2007-90.

22 DETERMINATION OF ISSUES

23 Based on the foregoing Findings of Fact, Respondent has subjected his license to
24 discipline under Business and Professions Code sections 490, 2878(a)(5), 2878(f), 2878(j) and
25 California Code of Regulations, title 16, section 2521.

26 LOCATION OF RECORD

27 The record on which this Default Decision is based is located at the Sacramento office
28 of the Bureau of Vocational Nursing and Psychiatric Technicians.

ORDER

WHEREFORE, the Bureau of Vocational Nursing and Psychiatric Technicians makes the following order:

Vocational Nurse License Number VN 207023 authorizing Respondent to act as a vocational nurse is hereby revoked.

Respondent shall have the right to petition for reinstatement of the aforesaid license pursuant to the provision of section 2878.7(a)(1) of the Business and Professions Code.

Respondent shall not be deprived of making any further showing by way of mitigation; however, such showing must be made directly to the Bureau of Vocational Nursing and Psychiatric Technicians, 2535 Capitol Oaks Drive, Suite 205, Sacramento, California, 95833 prior to the effective date of this Decision.

This Default Decision shall become effective on February 8, 2009.

Dated and signed December 30, 2008.



PATRICIA HARRIS
Deputy Director, Board/Bureau Support
Department of Consumer Affairs

Attachments: Exhibit "1", Accusation No. VN-2007-90 and Declaration of Service

Exhibit "1"
Accusation No. VN-2007-90 and Declaration of Service

NOV 12 2009

**Board of Vocational Nursing
and Psychiatric Technicians**

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Attorneys for Complainant

**BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
FOR THE BUREAU OF VOCATIONAL NURSING AND PSYCHIATRIC
TECHNICIANS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2007-90

RENANTE ICARO MANALO AKA REYNE
MANALO
15717 Larch Avenue
Lawndale, CA 90260

A C C U S A T I O N

Vocational Nurse License No. VN 207023

Respondent.

Complainant alleges:

PARTIES

1. Tercsa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this
Accusation solely in her official capacity as the Executive Officer of the Bureau of Vocational
Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about November 20, 2003, the Bureau of Vocational Nursing and
Psychiatric Technician (Bureau) issued Vocational Nurse License No. VN 207023 to Renante
Icaro Manalo aka Reyne Manalo (Respondent). The Vocational Nurse License expired on
November 30, 2007, and has not been renewed.

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JURISDICTION

3. This Accusation is brought before the Bureau under the authority of the following laws. All section references are to the Business and Professions (Code) unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 101.1, subdivision (b), states:

"(1) In the event that any board, as defined in Section 477, becomes inoperative or is repealed in accordance with the act that added this section, or by subsequent acts, the Department of Consumer Affairs shall succeed to and is vested with all the duties, powers, purposes, responsibilities and jurisdiction not otherwise repealed or made inoperative of that board and its executive officer.

"(2) Any provision of existing law that provides for the appointment of board members and specifies the qualifications and tenure of board members shall not be implemented and shall have no force or effect while that board is inoperative or repealed. Every reference to the inoperative or repealed board, as defined in Section 477, shall be deemed to be a reference to the department."

5. Section 118(b) of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Bureau jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under section 2892.1 of the Code, the Bureau may renew an expired license at any time within four years after the expiration.

6. Section 477 of the Code states:

As used in this division:

"(a) "Board" includes "bureau," "commission," "committee," "department," "division," "examining committee," "program," and "agency."

"(b) "License" includes certificate, registration or other means to engage in a business or profession regulated by this code."

7. Section 490 of the Code provides, in pertinent part, that the Board may

1 suspend or revoke a license when it finds that the licensee has been convicted of a crime
2 substantially related to the qualifications, functions or duties of a licensed vocational nurse.

3 8. Section 2875 of the Code provides, in pertinent part, that the Board may
4 discipline the holder of a vocational nurse license for any reason provided in Article 3
5 (commencing with section 2875) of the Vocational Nursing Practice Act.

6 9. Section 2878 of the Code states:

7 "The Board may suspend or revoke a license issued under this chapter [the
8 Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

9 "(a) Unprofessional conduct, which includes, but is not limited to, the
10 following:

11
12 (5) The failure to maintain confidentiality of patient medical information,
13 except as disclosure is otherwise permitted or required by law.

14
15 "(f) Conviction of a crime substantially related to the qualifications, functions,
16 and duties of a licensed vocational nurse, in which event the record of the conviction shall be
17 conclusive evidence of the conviction.

18
19 "(j) The commission of any act involving dishonesty, when that action is
20 related to the duties and functions of the licensee."

21 REGULATORY PROVISIONS

22 10. California Code of Regulations, title 16, section 2521, states:

23 "For the purposes of denial, suspension, or revocation of a license pursuant to
24 Division 1.5 (commencing with Section 475) of the Code, a crime or act shall be considered to
25 be substantially related to the qualifications, functions or duties of a licensed vocational nurse if
26 to a substantial degree it evidences present or potential unfitness of a licensed vocational nurse to
27 perform the functions authorized by his license in a manner consistent with the public health,
28 safety, or welfare. . . ."

1 **COST RECOVERY**

2 11. Section 125.3 of the Code provides, in pertinent part, that the Board may
3 request the administrative law judge to direct a licensee found to have committed a violation or
4 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
5 and enforcement of the case.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Convictions of Substantially Related Crimes)**

8 12. Respondent is subject to disciplinary action under section 2878,
9 subdivision (f) and section 490 of the Code, in conjunction with California Code of Regulations,
10 title 16, section 2521, in that Respondent was convicted of crimes substantially related to the
11 qualifications, functions or duties of a licensed vocational nurse, as follows:

12 a. On or about December 14, 2007, Respondent was convicted by the Court
13 on a plea of nolo contendere for violating one count of Penal Code section 459 (burglary), a
14 felony, and one count of Penal Code section 530.5, subdivision (a) (unlawful use of personal
15 identification), a felony, in the criminal proceeding entitled *The People of California v. Renante*
16 *Icaro Manalo* (Super. Ct. Los Angeles County, 2007, No. YA068728). Respondent was
17 sentenced to 16 months in prison. The circumstances surrounding the convictions are that on or
18 about July 6, 2007, an identity theft search warrant was served at Respondent's residence, and
19 stolen property was recovered that was purchased using a victim's personal identification. A
20 large quantity of documents containing confidential patient information was found. Respondent
21 admitted to accepting stolen property at his residence in return for methamphetamine.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Failure to Maintain Confidentiality of Patient Medical Information)**

24 13. Respondent is subject to disciplinary action under section 2878,
25 subdivision (a)(5) of the Code, in that Respondent committed acts which constitute
26 unprofessional conduct, when he failed to maintain confidentiality of patient's medical
27 information. Complainant refers to, and by this reference incorporates, the allegations set forth
28 above in paragraph 12, subparagraph (a), inclusive, as though set forth fully.

1 THIRD CAUSE FOR DISCIPLINE

2 (Dishonest Acts)


3 14. Respondent is subject to disciplinary action under section 2878,
4 subdivision (j) of the Code, on the grounds of unprofessional conduct, in that Respondent
5 committed dishonest acts. Complainant refers to, and by this reference incorporates, the
6 allegations set forth above in paragraph 12, subparagraph (a), inclusive, as though set forth fully.

7 PRAYER

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein
9 alleged, and that following the hearing, the Director issue a decision:

- 10 1. Revoking or suspending Vocational Nurse License No. VN 207023, issued
11 to Respondent;
- 12 2. Ordering Respondent to pay the Bureau the reasonable costs of the
13 investigation and enforcement of this case, pursuant to Business and Professions Code section
14 125.3, and
- 15 3. Taking such other and further action as deemed necessary and proper.
- 16

17 DATED: November 12, 2008

18
19 
20 TERESA BELLO-JONES, (L.D., M.S.N., R.N.)
21 Executive Officer
22 Bureau of Vocational Nursing and Psychiatric Technicians
23 Department of Consumer Affairs
24 State of California
25 Complainant